

02/04/02



jc525 U.S. PTO

Office of Intellectual Property Counsel
 3M Innovative Properties Company
 PO Box 33427
 St. Paul, Minnesota 55133-3427
 651/733 1500

PATENT

Docket No.

50142US010

jc971 U.S. PTO

10/06/141



02/04/02

Transmittal of Continuing Patent Application - Rule 1.53(b)

Box: Patent Application
 Commissioner for Patents
 Washington, DC 20231

Anticipated Classification

Pursuant to 37 CFR 1.53(b), please file a

- ☒ continuation
☐ continuation-in-part
☐ divisional

application of pending prior Application No. 08/940,266, filed on September 29, 1997, which is a continuation of U.S. Serial No. 08/494,305, filed June 23, 1995, now abandoned, which is a continuation of U.S. Serial No. 08/130,299, filed October 1, 1993, now abandoned.

Inventor(s): Joyce B. Palazzotto and Harold R. Carpenter

Title: SPEECH TRANSMISSION ADAPTOR FOR USE WITH A RESPIRATOR MASK

1. ☐ Enclosed is a copy of the oath or declaration filed in the prior application.
2. ☐ Enclosed is a newly executed oath or declaration.
3. ☐ Enclosed is a copy of the specification as filed in the prior application.
4. ☒ Enclosed is a new specification.
5. ☒ Enclosed are three (3) sheet(s) of drawings.
6. ☒ The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein. (not applicable for CIP)
7. ☐ Please amend the specification by inserting before the first line the sentence:
 This is a continuation of Application No. _____ filed _____.
8. ☐ Please amend the specification by inserting before the first line the sentence:
 This is a continuation of Application No. _____ filed _____, which was a national stage filing under 35 U.S.C. 371 of _____, filed _____, which International Application was published in English by the International Bureau on _____.
9. ☐ Please cancel claims _____.
10. ☐ A preliminary amendment is enclosed.
11. ☐ This application is being filed by less than all the inventors named in the prior application. Please delete the names of the following person(s) who are not inventors of the invention being claimed in this application: _____


The fee for filing the application is computed as follows:

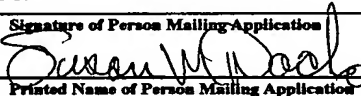
Claims As Filed, After Accounting For Any Claims Canceled Or Added In Paragraphs 8 Or 9 Above				
(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Basic Fee \$740
Total Claims	20 -20 =	0	x \$18	\$0
Independent Claims	4 -3 =	1	x \$84	\$84
Additional fee for filing one or more multiple dependent claims			\$280	\$0
Total Filing Fee Due →				\$824

12. ☒ Please charge to Deposit Account 13-3723 any fees under 37 CFR 1.16 and 1.17 which may be required to file and during the entire pendency of this application. This authorization includes the fee for any extension of time under 37 CFR 1.136(a) that may be necessary. To the extent any such extension should become necessary it is hereby requested. A copy of this transmittal letter for fee processing is enclosed.
13. An assignment
☒ to 3M Innovative Properties Company is of record in the prior application.
☐ from Minnesota Mining and Manufacturing Company to 3M Innovative Properties Company has been filed/is being filed concurrently in the prior application but is not yet recorded.
☐ to _____ is enclosed along with a completed Assignment Recordation Cover Sheet.
14. ☐ A power of attorney is enclosed.
15. ☒ Enclosed is a return receipt postcard.
16. ☒ Other Communication

Respectfully submitted,

Registration Number	Telephone Number
32,900	651-736-7776
Date	
February 4, 2002	

Signature

Print Name
Karl G. Hanson

Certificate of Express Mailing	
Pursuant to 37 CFR 1.10 I certify that this application is being deposited on the date indicated below with the United States Postal Service "Express Mail Post Office to Addressee" service addressed to: Commissioner for Patents, Washington, DC 20231.	
Express Mail Mailing Label No.	Signature of Person Mailing Application
EL 596 987 581 US	
Date of Deposit	Printed Name of Person Mailing Application
February 4, 2002	Susan M. Dacko

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: PALAZZOTTO, JOYCE B.
Express Mail No.: EL 596 987 581 US Group Art Unit:
Filed: February 4, 2002 Examiner:
Title: SPEECH TRANSMISSION ADAPTOR FOR USE WITH A
RESPIRATOR MASK

COMMUNICATION

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Claims 1-20 are being presented in this continuation application. As previously indicated, these claims were copied from U.S. Patent 5,463,693 to Birli. Claim 1 corresponds to Birli's claim 1, and claim 20 corresponds to Birli's claim 20. Applicants originally presented these claims on October 2, 1996 and therefore were made within one year of the publication date (October 31, 1995) of the Birli patent. Support for the added claims may be found throughout applicants' specification.

In accordance with 37 C.F.R. § 1.607, applicants seek to have an interference declared between the pending application and the Birli patent. Applicants' present application claims priority back to applicants' parent application filed on October 1, 1993. In view of the filing date of the parent application, applicants are entitled to the status of senior party in any interference declared with respect to the Birli patent. The Birli patent issued on an application filed on November 10, 1993. Applicants therefore are *prima facie* entitled to an award of priority in any interference relative to the Birli patent's effective filing date. See 37 C.F.R. § 1.608(a); the foregoing provides "a statement alleging that there is a basis upon which the applicant is entitled to a judgment relative to the patentee."

Applicants suggest the following proposed count for consideration by the Examiner:

PROPOSED COUNT:

A voice transmission system for a protective respirator comprising:

(1) a face mask having an inhalation port through which a wearer of the mask inhales ambient air; and

(2) an air filter for filtering the inhaled ambient air and providing filtered air to said inhalation port, said voice transmission system comprising:

(3) a microphone assembly which is removably detachable from a location between said inhalation port and said air filter, said microphone assembly including a spacer for separating said filter from said inhalation port, said spacer having a body with a passage extending the entire length thereof through which filtered air may pass from said filter to said inhalation port, said spacer further having a microphone extending therefrom;

(4) an amplifier connected to said microphone for receiving and amplifying sound transmitted by said microphone and outputting an amplified signal; and

(5) a loudspeaker connected to said amplifier for receiving and radiating said amplified signal,

or a protective respirator comprising elements (1)-(5) set forth above.

Applicants respectfully assert that this proposed count corresponds to each of claims 1 through 20 of the Birli patent. For purposes of the interference, all such claims are directed to the same patentable invention as defined in 37 C.F.R. § 1.601(n). Invention "A" is the same patentable invention as an invention "B" when invention "A" is the same as (35 U.S.C. § 102) or is obvious (35 U.S.C. § 103) in view of invention "B" assuming invention "B" is prior art with respect to invention "A". Invention "A" is a separate patentable invention with respect to invention "B" when invention "A" is new (35 U.S.C. § 102) and non-obvious (35 U.S.C. § 103) in view of invention "B" assuming invention "B" is prior art with respect to invention "A". Applicants have presented for interference purposes new claims 1-20 that similarly correspond to the proposed count.

Respectfully submitted,

2/4/02

Date

By: 

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